



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 9, 2001

Mitchell D Sorensen  
3871 West 2500 North  
Moore, ID 83255

Re: 2001 Measuring Device Requirements for Ground Water Diversions

Dear Mr. Sorensen,

A number of questions and discussions have been raised this season regarding measuring device requirements on certain wells that you either own or operate. Last year the Department authorized transfer no. 5659 for diversion of water from a new well located in the SESE Section 5, T4N, R26E (new well). This transfer included a standard condition requiring the right holder to maintain a measuring device and lockable controlling works. Within the past 30 days, you filed an Emergency Drought Temporary Change Application which described the new well as a point of diversion for several additional water rights because the well or wells that normally provide water to these latter rights could not sustain a reliable source of water. IDWR approved this temporary change with another condition requiring installation and maintenance of a measuring device. The department added the measuring device condition and intended to enforce the condition for the following reasons:

1. Due to the previous measuring device condition for the well under transfer 5659.
2. Due to on-going complaints from Kirby Jensen regarding the lack of department or water district enforcement of the measuring device condition at the new well.
3. Due to on-going litigation and disputes between you and Jensen regarding the new well.
4. Due to on-going delivery and re-delivery problems associated with all the wells that discharge to the Timberdome Canal.

The department then found that by a mistake you made on the temporary change application you had not intended to identify the new well as the point of diversion for the change but rather you intended to divert from a well located in the NENWNW Section 8, T4N, R26E. This latter well as I understand also discharges to the Timberdome Canal.

Based on several phone conversations I have had with you between July 2 and July 6, I understand that you have ordered a measuring device for the new well. This device specifically is an in-line totalizing flow meter. IDWR appreciates your cooperation and effort in obtaining a meter. You have stated a desire to delay immediate installation of the device due to concerns about having to interrupt the use of the well which if done may result in some physical problems or damage to the well due to production and construction problems you've already had this season. You also stated that the mainline would have to be drained in order to install the meter and that this draining may require a significant amount of time that could be injurious to your crops.

Given the on-going problems, confusion and possible misunderstandings regarding the measuring device conditions for the new well, the department hereby directs you to further coordinate with the water district watermaster on implementing the following steps pertaining to measurement of the new well:

1. The watermaster must immediately make a flow measurement of the new well using the water district's portable flow meter. This first time measurement shall be the watermaster's responsibility and shall be made at the water district's expense.
2. You, as operator of the new well, or the water right holder of record must immediately purchase or order an acceptable flow measuring device that can be permanently installed at the new well. (I understand this step has been accomplished).
3. The flow meter acquired in step 2 above must be installed as soon as possible, but IDWR will allow installation to be done for good cause and at the earliest, most practicable time in order to minimize problems or damage to the well and crops irrigated by the well. IDWR will not permit good cause delays beyond August 10, 2001.
4. Until such time as the meter is installed in the new well, you and/or the water right holder of record must provide an acceptable weekly measurement of the well discharge at your own expense. The department will only accept measurements made by the water district using their portable flow meter, or measurements made by another party that is approved by the department and using a portable flow meter approved by the department.
5. The well in section 8, T4N R26E that is now identified as the point of diversion under Approved Temporary Change Application TC-34-06, and other wells that you may own or operate, do not require immediate installation of measuring devices. However these wells are subject to periodic measurement by the watermaster and the Timberdome Canal ditch rider. All wells that discharge to the Timberdome Canal will be subject to separate measurement orders from the Department and must be equipped with acceptable measuring devices prior to the 2002 irrigation season. IDWR and the water district will meet with the Timberdome Canal water users later this season to discuss and outline plans for acceptable and consistent measurement of all wells and diversions to the canal, as well as re-diversions from the canal.

IDWR appreciates your ongoing cooperation and attention to these matters. We hope this letter of clarification will assist all of the interested parties in fully resolving their concerns. Please contact me directly at 327-7864 if you have questions regarding this matter.

Sincerely,



Tim Luke

Water Distribution Section

Cc: Doug Rosenkrance, Watermaster

Kirby Jensen, 2781 N 3375 W, Moore ID 83255

Todd Perkes, Chairman, Big Lost Irr. Dist. PO Box 205 Mackay 83251

Harold Jones, IDWR Eastern Region